In the High Court of Judicature at Madras

Dated:29.08.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice S. MANIKUMAR

Habeas Corpus Petition No.753 of 2006

S. Uma .. Petitioner

vs.

1. The Government of Tamil Nadu
   rep. by its Secretary
   Home Department
   Fort St. George
   Chennai 9.

2. The Director General of Police
   Tamil Nadu Police Department
   Kamarajar Salai
   Chennai.

3. The Superintendent of Police
   Tiruvallur District
   Tiruvallur.

4. The Inspector of Police
   Maduraivoil Police Station
   Maduraivoil
   Tiruvallur District. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : M4. Abdul Faisal

For respondents : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name S. Uma, has filed this petition seeking direction to the respondents for production of her husband by name Selvam @ Subash and her brother Kasinathan before this Court and set them at liberty.

2. Pursuant to the direction of this Court, Inspector of Police, Maduravoil Police Station, 4th respondent herein has filed a counter affidavit, wherein it is stated that one S. Uma, residing at No.14/86, First Main road, Sri Iyyappa Nagar, Chennai - 92, within the jurisdiction of Koyambedu Police Station appeared before the Inspector of Police and gave a complaint stating that she is residing in the above said address and her brother one Bhaskar was also residing in the same address at the downstairs. On 23.07.2006, the said Bhaskar, went to Kumbakonam, at that time the complainant stays in the house of her brother and in the morning of 24.07.2006 when she opened her portion in the upstairs, she found that the bureau lock was broke open and the jewels have been stolen away. The Inspector of Police, further stated that on receipt of the complaint, the Sub Inspector of Police, Koyambedu Police Station registered a case in Koyambedu Police Station Cr.No.787 of 2006 on 24.07.29006 at 9.00 a.m. for offences under Sections 456 and 380 IPC. It is further stated that subsequently on information, one Selvam @ Subhash and Kasi @ Kasinathan were arrested and on their confession, they are found to be the property offenders and they have involved in two more cases on the file of Avadi Police Station in Cr.No.1095 of 2006 and in Pattabiram Police Station in Cr.No.42 of 2006 for offences under Sections 456, 380 IPC. The above said Selvam @ Subhash and Kasi @ Kasinathan were arrested on 12.08.2006 and remanded to judicial custody before the Fifth Metropolitan Magistrate, Egmore, Madras.

3. Regarding the incident said to have taken place on 08.08.2006, the Inspector of Police has denied the same and in para 6 of the counter he has specifically stated that neither himself nor Constable attached to Maduravoil Police Station went to the house of the petitioner on 08.08.2006.

4. In the light of the above information, the claim of the petitioner cannot be accepted. Inasmuch as

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both the detenus were arrested and remanded by an order of Court and at present they are under judicial custody in respect of various offences, as stated in the earlier paragraphs, the present petition is liable to be dismissed; accordingly, dismissed. Still if the petitioner has any grievance against the respondents, she is free to vindicate the same in the manner known to law.

With the above observation, this petition is dismissed.

Kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary
   Government of Tamil Nadu
   Home Department
   Fort St. George
   Chennai 9.
2. The Director General of Police
   Tamil Nadu Police Department
   Kamarajar Salai
   Chennai.
3. The Superintendent of Police
   Tiruvallur District
   Tiruvallur.
4. The Inspector of Police
   Maduraivoil Police Station
   Maduraivoil
   Tiruvallur District.

5. The Public Prosecutor, High court
Madras

H.C.P.No.753 of 2006

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